UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,838	11/08/2001	Orazio Pater	1330/4	7630

30016   7590   02/05/2008

CARDINAL LAW GROUP, LLC
SUITE 2000
1603 ORRINGTON AVENUE
EVANSTON, IL 60201

EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3692	

MAIL DATE	DELIVERY MODE
02/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/007,838	PATER ET AL.
	Examiner	Art Unit	
	CLEMENT B. GRAHAM	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 November 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-23_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-23 remained pending in this Application.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

In particular, Claims 17, 22, states "waiting if conditions are not met, and extracting funds transfer instructions from the funds transfer data by applying a funds transfer interface if the conditions are met" However its is unclear as to what happens if conditions are not met.

For further examination, the examiner interprets the limitation in light of this 112, second rejection .

In particular, Claim 1, states "storing funds transfer status data"

However its is unclear because it seems you are storing the funds transfer status data before you actually execute the transaction.

For further examination, the examiner interprets the limitation in light of this 112, second rejection .

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-23, are rejected are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama 6, 332, 133) in view Guthrie et al (Hereinafter Guthrie U.S Pub: 20020052841.

As per claim 1, Takayama discloses an electronic payment system for a customer to direct payment over an electronic funds transfer network from an originating bank, comprising: means for receiving payment input data (see column 6 lines 18-44 and

column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column
81 lines 15-34)

means for storing funds transfer static data; means for storing funds transfer status data;
means for generating a funds transfer data from the payment input data the funds transfer
static data and the funds transfer status data(see column 6 lines 18-44 and column 47
lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-
34).

Takayama fail to explicitly teach means for generating funds transfer data from the
payment input data and the funds transfer status data and means for generating a funds
transfer instruction from the funds transfer data, wherein the funds transfer data is
appropriate to the originating bank.

However Guthire discloses one embodiment, transactor site 30 transmits instructions
directing Bank A to transfer funds from User A's account 87 to Bank A's settlement
account 85 (FIG. 11, #4). Similarly, transactor site 30 transmits instructions to Bank B
directing Bank B to transfer funds from its settlement account 86 to User B's account 88
(FIG. 11, #5). Communication of such instructions between transactor site 30 and banks
80 and 82 can occur over a variety of communication paths, such as an open computer
network 40 (using encryption and authentication protocols), or dedicated lines. In one
embodiment, transactor site 30 stores in a database instruction and transaction data
necessary to square the settlement accounts of the participating banks. In one
embodiment, transactor site 30 on a periodic basis (e.g., daily, hourly, weekly, etc.)
processes the instruction and transaction data to calculate the transfers necessary to
square the settlement accounts of all participating banks (here, settlement accounts 85
and 86). In one embodiment, transactor site 30 transmits instructions resulting from
such calculations to transactor bank 60 (FIG. 11, #6a). Transactor bank 60, in one
embodiment, transmits these instructions over FedWire 75 or some other bank-to-bank
transaction processing network to the participating banks (FIG. 11, #6b & 6c). For
example, if the transaction between User A and User B were the only transaction
conducted in a settlement period, transactor site 30 would issue transaction instructions
via transactor bank 60 and FedWire 75 that would result in the transfer of $100.00 from

Bank A's settlement account 85 to Bank B's settlement account 86 (FIG. 11, #6d). (see Note abstract and see para 0101).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teaching of Takayama to include means for generating funds transfer data from the payment input data and the funds transfer status data and means for generating a funds transfer instruction from the funds transfer data, wherein the funds transfer data is appropriate to the originating bank taught by Guthire in order to provide a system of electronic bill presentment that permits billers to present to payors at the payors home banking systems without the need for the biller to have access to the information of the payors bank.

As per claim 2, Takayama discloses wherein the funds transfer instruction generating means is responsive to funds transfer business logic data (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 3, Takayama discloses wherein the funds transfer static data comprises bank funds transfer information. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 4, Takayama discloses wherein the funds transfer static data comprises credit card funds transfer information. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 5, Takayama discloses wherein the customer provides the payment input data over the Internet from a personal computer. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 6, Takayama discloses wherein the personal computer sends the payment input data in response to a single action. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 7, Takayama discloses wherein the personal computer provides a payment button to send the payment input data at a single click of the payment button. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 8, Takayama discloses wherein the payment button appears on a merchant Web page. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 9, Takayama discloses wherein the payment button appears in an electronic wallet. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 8`1 lines 15-34).

As per claim 10, Takayama discloses wherein the payment button provides a blank for the customer to enter a customer 1D. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 11, Takayama discloses wherein the customer provides the payment input data over a wireless communications network. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 12, Takayama discloses wherein the customer provides the payment input data over a private communications network. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 13, Takayama discloses wherein the payment input data comprises customer identification, payment amount, and transaction date. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 14, Takayama discloses wherein the payment input data further comprises customer authentication information. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 15, Takayama discloses wherein the electronic funds transfer network is pre-determined. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 16, Takayama discloses wherein the electronic funds transfer network is selected from the group consisting of FEDWIRE, ACH, SWIFT, and CHIP. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 17, Takayama discloses an electronic payment method for a customer to direct payment over an electronic funds transfer network from an originating bank, comprising the steps of establishing funds transfer static data (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34)

completing a transaction to the point of payment; pushing a payment button to transmit payment input data(see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

Takayama fail to explicitly teach means for generating funds transfer data from the payment input data and the funds transfer status data and means for generating a funds transfer instruction from the funds transfer data, wherein the funds transfer data is appropriate to the originating bank.

However Guthire discloses one embodiment, transactor site 30 transmits instructions directing Bank A to transfer funds from User A's account 87 to Bank A's settlement account 85 (FIG. 11, #4). Similarly, transactor site 30 transmits instructions to Bank B directing Bank B to transfer funds from its settlement account 86 to User B's account 88 (FIG. 11, #5). Communication of such instructions between transactor site 30 and banks 80 and 82 can occur over a variety of communication paths, such as an open computer network 40 (using encryption and authentication protocols), or dedicated lines. In one embodiment, transactor site 30 stores in a database instruction and transaction data necessary to square the settlement accounts of the participating banks. In one embodiment, transactor site 30 on a periodic basis (e.g., daily, hourly, weekly, etc.) processes the instruction and transaction data to calculate the transfers necessary to

square the settlement accounts of all participating banks (here, settlement accounts 85 and 86). In one embodiment, transactor site 30 transmits instructions resulting from such calculations to transactor bank 60 (FIG. 11, #6a). Transactor bank 60, in one embodiment, transmits these instructions over FedWire 75 or some other bank-to-bank transaction processing network to the participating banks (FIG. 11, #6b & 6c). For example, if the transaction between User A and User B were the only transaction conducted in a settlement period, transactor site 30 would issue transaction instructions via transactor bank 60 and FedWire 75 that would result in the transfer of $100.00 from Bank A's settlement account 85 to Bank B's settlement account 86 (FIG. 11, #6d). (see Note abstract and see para 0101).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teaching of Takayama to include means for generating funds transfer data from the payment input data and the funds transfer status data and means for generating a funds transfer instruction from the funds transfer data, wherein the funds transfer data is appropriate to the originating bank taught by Guthire in order to provide a system of electronic bill presentment that permits billers to present to payors at the payors home banking systems without the need for the biller to have access to the information of the payors bank.

As per claim 18, Takayama discloses further comprising the step of authenticating the identity of the customer. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 19, Takayama discloses wherein the step of authenticating the identity of the customer further comprises the step of checking a personal identification number. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 20, Takayama discloses wherein the step of authenticating the identity of the customer further comprises the step of checking biometric information. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 21, Takayama discloses wherein the step of authenticating the identity of the customer further comprises the step of checking a software key. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 22, Takayama discloses a computer readable medium storing a computer program for electronic payment, the computer program comprising: computer readable code for establishing funds transfer static data; computer readable code for completing a transaction to the point of payment (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

computer readable code for pushing a payment button to transmit payment input data; computer readable code for creating funds transfer status data;

computer readable code for adding the funds transfer static data and the ,

funds transfer status data to the payment input data to form funds transfer data; computer (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

Takayama fail to explicitly teach computer readable code for monitoring the funds transfer data and conditions, computer readable code for extracting funds transfer instructions from the funds transfer data by applying a funds transfer interface when the conditions are met; and computer readable code for sending the funds transfer instructions to the originating bank and adding funds transfer static data.

However Guthire discloses one embodiment, transactor site 30 transmits instructions directing Bank A to transfer funds from User A's account 87 to Bank A's settlement account 85 (FIG. 11, #4). Similarly, transactor site 30 transmits instructions to Bank B directing Bank B to transfer funds from its settlement account 86 to User B's account 88 (FIG. 11, #5). Communication of such instructions between transactor site 30 and banks 80 and 82 can occur over a variety of communication paths, such as an open computer network 40 (using encryption and authentication protocols), or dedicated lines. In one embodiment, transactor site 30 stores in a database instruction and transaction data necessary to square the settlement accounts of the participating banks.

In one embodiment, transactor site 30 on a periodic basis (e.g., daily, hourly, weekly, etc.) processes the instruction and transaction data to calculate the transfers necessary to square the settlement accounts of all participating banks (here, settlement accounts 85 and 86). In one embodiment, transactor site 30 transmits instructions resulting from such calculations to transactor bank 60 (FIG. 11, #6a). Transactor bank 60, in one embodiment, transmits these instructions over FedWire 75 or some other bank-to-bank transaction processing network to the participating banks (FIG. 11, #6b & 6c). For example, if the transaction between User A and User B were the only transaction conducted in a settlement period, transactor site 30 would issue transaction instructions via transactor bank 60 and FedWire 75 that would result in the transfer of $100.00 from Bank A's settlement account 85 to Bank B's settlement account 86 (FIG. 11, #6d). (see Note abstract and see para 0101).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teaching of Takayama to includecomputer readable code for monitoring the funds transfer data and conditions, computer readable code for extracting funds transfer instructions from the funds transfer data by applying a funds transfer interface when the conditions are met; and computer readable code for sending the funds transfer instructions to the originating bank and adding funds transfer static data.

As per claim 23, Takayama discloses wherein the computer program further comprises computer readable code for authenticating the identity of the customer. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

Conclusion
RESPONSE TO ARGUMENTS

5   Applicant's arguments filed 11/5/2007 has been fully considered but they are moot in view of new grounds of rejections.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 757-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Feb 0 1, 2008

FRANTZY POINVIL
PRIMARY EXAMINER
AU 3692